

IOWA ADVERTISING RULES

INFORMATION ABOUT LEGAL SERVICES

Rule 32:7.1. Communications concerning a lawyer's services

(a) A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

(b) A lawyer shall not communicate with the public using statements that are unverifiable. In addition, advertising permitted under these rules shall not rely on emotional appeal or contain any statement or claim relating to the quality of the lawyer's legal services.

COMMENT

[1] This rule governs all communications about a lawyer's services, including advertising permitted by rule 32:7.2. Whatever means are used to make known a lawyer's services, statements about them must be truthful and verifiable.

[2] Truthful statements that are misleading are also prohibited by this rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer's communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services for which there is no reasonable factual foundation.

[3] A lawyer should ensure that information contained in any advertising which the lawyer publishes, or causes to be published, is relevant, is dignified, is disseminated in an objective and understandable fashion, and would facilitate the prospective client's ability to make an informed choice about legal representation. A lawyer should strive to communicate such information without undue emphasis upon style and advertising stratagems that hinder rather than facilitate intelligent selection of counsel. Appeal should not be made to the prospective client's emotions, prejudices, or personal likes or dislikes. Care should be exercised to ensure that false hopes of success or undue expectations are not communicated. Only unambiguous information relevant to a layperson's decision regarding legal rights or the selection of counsel, provided in ways that comport with the dignity of the profession and do not demean the administration of justice, is appropriate in public communications.

[4] See also rule 32:8.4(e) for the prohibition against stating or implying an ability to influence improperly a government agency or official or to achieve results by means that violate the Iowa Rules of Professional Conduct or other law.

Rule 32:7.2. Advertising

(a) The following communications shall not be considered advertising and accordingly are not subject to rules 32:7.2, 32:7.3, and 32:7.4: (1) communications or solicitations for business between lawyers; (2) communications between a lawyer and an existing or former client, provided the lawyer does not know or have reason to know the attorney-client relationship has been terminated; or (3) communications by a lawyer that are in reply to a request for information by a member of the public that was not prompted by unauthorized advertising by the lawyer; information available through a hyperlink on a lawyer's Web

site shall constitute this type of communication. Nonetheless, any brochures or pamphlets containing biographical and informational data disseminated to existing clients, former clients, lawyers, or in response to a request for information by a member of the public shall include the disclosures required by paragraph (h) when applicable.

(b) Subject to the limitations contained in these rules, a lawyer may advertise services through written, recorded, or electronic communication, including public media. Any communication made pursuant to this rule shall include the name and office of at least one lawyer or law firm responsible for the content.

(c) Subject to the limitations contained in these rules, a lawyer licensed to practice law in Iowa may permit the inclusion of the lawyer's name, address, telephone number, and designation as a lawyer, in a telephone or city directory, subject to the following requirements:

(1) Only a lawyer's name, address, telephone number, and designation as a lawyer may be alphabetically listed in the residential, business, and classified sections of the telephone or city directory.

(2) Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a lawyer who has complied with rule 32:7.4(e) may be listed in classifications or headings identifying those fields or areas of practice as listed in rule 32:7.4(a). By further exception, a lawyer qualified under rule 32:7.4 to practice in the field of taxation law also may be listed under the general heading "Tax Preparation" or "Tax Return Preparation" either in lieu of or in addition to the general heading "Lawyers" or "Attorneys."

(3) All other telephone or city directory advertising permitted by these rules, including display or box advertisements, shall include the disclosures required by paragraph (h) when applicable.

(d) Subject to the limitations contained in these rules, a law firm may permit the inclusion of the firm name, address, and telephone number in a telephone or city directory, subject to the following requirements:

(1) The firm name, a list of its members, address, and telephone number may be listed alphabetically in the residential, business, and classified sections of the telephone or city directory.

(2) Listings in the classified section shall be under the general heading "Lawyers" or "Attorneys," except that a law firm may be listed in each of the classifications or headings identifying those fields or areas of practice as listed in rule 32:7.4(a) in which one or more members of the firm are qualified by virtue of compliance with rule 32:7.4(e).

(3) All other telephone or city directory advertising permitted by these rules, including display or box advertising, may contain the firm name, address, and telephone number, and the names of the individual lawyer members of the firm. All display or box advertisements shall include within the advertisement the disclosures required by paragraph (h) when applicable.

(e) Information permitted by these rules, articulated only by a single nondramatic voice, not that of the lawyer, and with no other background sound, may be communicated by radio or television, or other electronic or telephonic media. In the case of television, no visual display shall be allowed except that allowed in print as articulated by the announcer. All such communications shall contain the disclosures required by paragraph (h) when applicable.

(f) Whether or not the advertisement contains fee information, a lawyer shall preserve for at least three years a copy of each advertisement placed in a newspaper, in the classified section of the telephone or city directory, or in a periodical, a tape of any radio, television, or other electronic or telephonic media commercial, or recording, and a copy of all information placed on the World Wide Web, and a record of the date or dates and name of the publication in which the advertisement appeared or the name of the medium through which it was aired.

(g) The following information may be communicated to the public in the manner permitted by this rule, provided it is presented in a dignified style:

(1) name, including name of law firm, names of professional associates, addresses, telephone numbers, Internet addresses and URLs, and the designation “lawyer,” “attorney,” “J.D.,” “law firm,” or the like;

(2) the following descriptions of practice:

(i) “general practice”;

(ii) “general practice including but not limited to” followed by one or more fields of practice descriptions set forth in rule 32:7.4(a)-(c);

(iii) fields of practice, limitation of practice, or specialization, but only to the extent permitted by rule 32:7.4; and

(iv) limited representation as authorized by rule 32:1.2(c);

(3) date and place of birth;

(4) date and place of admission to the bar of state and federal courts;

(5) schools attended, with dates of graduation, degrees, and other scholastic distinctions;

(6) public or quasi-public offices;

(7) military service;

(8) legal authorships;

(9) legal teaching positions;

(10) memberships, offices, and committee and section assignments in bar associations;

(11) memberships and offices in legal fraternities and legal societies;

(12) technical and professional licenses;

(13) memberships in scientific, technical, and professional associations and societies; and

(14) foreign language ability.

(h) Fee information may be communicated to the public in the manner permitted by this rule, provided it is presented in a dignified style.

(1) The following information may be communicated:

(i) the fee for an initial consultation;

(ii) the availability upon request of either a written schedule of fees, or an estimate of the fee to be charged for specific services, or both;

(iii) contingent fee rates, subject to rule 32:1.5(c) and (d), provided that the statement discloses whether percentages are computed before or after deduction of costs and advises the public that, in the event of an adverse verdict or decision, the contingent fee litigant could be liable for court costs, expenses of investigation, expenses of medical examinations, and costs of obtaining and presenting evidence;

(iv) fixed fees or range of fees for specific legal services;

(v) hourly fee rates; and

(vi) whether credit cards are accepted.

(2) If fixed fees or a range of fees for specific legal services are communicated, the lawyer must disclose, in print size at least equivalent to the largest print used in setting forth the fee information, the following information:

(i) that the stated fixed fees or range of fees will be available only to clients whose matters are encompassed within the described services; and

(ii) if the client's matters are not encompassed within the described services, or if an hourly fee rate is stated, the client is entitled, without obligation, to a specific written estimate of the fees likely to be charged.

(3) For purposes of these rules, the term "specific legal services" shall be limited to the following services:

(i) abstract examinations and title opinions not including services in clearing title;

(ii) uncontested dissolutions of marriage involving no disagreement concerning custody of children, alimony, child support, or property settlement. *See* rule 32:1.7(c);

(iii) wills leaving all property outright to one beneficiary and contingently to one beneficiary or one class of beneficiaries;

(iv) income tax returns for wage earners;

(v) uncontested personal bankruptcies;

(vi) changes of name;

- (vii) simple residential deeds;
- (viii) residential purchase and sale agreements;
- (ix) residential leases;
- (x) residential mortgages and notes;
- (xi) powers of attorney;
- (xii) bills of sale; and
- (xiii) limited representation as authorized by rule 32:1.2(c).

(4) Unless otherwise specified in the public communication concerning fees, the lawyer shall be bound, in the case of fee advertising in the classified section of the telephone or city directory, for a period of at least the time between printings of the directory in which the fee advertisement appears and in the case of all other fee advertising for a period of at least ninety days thereafter, to render the stated legal service for the fee stated in the communication unless the client's matters do not fall within the described services. In that event or if a range of fees is stated, the lawyer shall render the service for the estimated fee given the client in advance of rendering the service.

(i) In the event a lawyer's communication seeks to advise the institution of litigation, the communication must also disclose that the filing of a claim or suit solely to coerce a settlement or to harass another could be illegal and could render the person so filing liable for malicious prosecution or abuse of process.

(j) A lawyer recommended by, paid by, or whose legal services are furnished by an organization listed in rule 32:7.7(d) may authorize, permit, or assist such organization to use means of dignified commercial publicity that does not identify any lawyer by name to describe the availability or nature of its legal services or legal service benefits.

(k) This rule does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name:

- (1) in political advertisements when the professional status is germane to the political campaign or to a political issue;
- (2) in public notices when the name and profession of a lawyer are required or authorized by law or are reasonably pertinent for a purpose other than the attraction of potential clients;
- (3) in routine reports and announcements of a bona fide business, civic, professional, or political organization in which the lawyer serves as a director or officer;
- (4) in and on legal documents prepared by the lawyer;
- (5) in and on legal textbooks, treatises, and other legal publications, and in dignified advertisements thereof; and

(6) in communications by a qualified legal assistance organization, along with the biographical information permitted under paragraph (g), directed to a member or beneficiary of such organization.

(l) A lawyer shall not compensate or give anything of value to representatives of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item or voluntarily give any information to such representatives which, if published in a news item, would be in violation of rule 32:7.1.

COMMENT

[1] Advertisements and public communications, whether in reputable legal directories, telephone directories, or newspapers, should be formulated to convey only information that is necessary for the client to make an appropriate selection. Competency may be a factor in the selection of a lawyer. However, competency cannot be determined from an advertisement. The cost of legal services may also be a factor in the selection of a lawyer. A layperson may be aided in the selection of a lawyer if the costs of legal services were available for comparison or could be considered in an atmosphere conducive to logic, reason, and reflection. This factual information can be made available through advertising. Care must be exercised to ensure that there is a proper basis for the comparison of costs communicated in a manner that will truthfully inform, and not mislead, a prospective client as to the total costs. For example, to state an hourly charge and to characterize it as a “reasonable fee” is misleading because the total cost or fee can vary greatly depending upon the number of hours spent.

[2] The lack of sophistication on the part of many members of the public concerning legal services and the importance of the interests affected by the choice of a lawyer require that special care be taken by lawyers to avoid misleading the public and to ensure that the information set forth in any advertising is relevant to the selection of a lawyer. The lawyer must be mindful that the benefits to the public of a lawyer’s advertising depend upon its reliability and accuracy. Advertising marked by excesses of content, volume, scope or frequency, or which unduly emphasizes unrepresentative biographical information, does not provide that public benefit. Fee advertising involves special concerns. With rare exception, lawyers render unique and varied services for each client, even as to so-called “routine” matters. When consulted about any matter, whether or not “routine,” a lawyer should make relevant inquiries, which may uncover the need for different services than those that the client originally sought. These factors make it difficult to set a fixed fee or a range of fees for a specific legal service in advance of rendering the service and provide temptation to depart from an advertised fee or to fail to render a needed service. Thus, a lawyer who advertises a fee for a service should exercise particular caution to avoid misleading prospective clients and should include appropriate disclaimers. A lawyer should also scrupulously avoid the use of fee advertising as an indirect means of attracting clients in the hope of performing other, more lucrative, legal services. In communications concerning a lawyer’s fees, the lawyer may use restrained subjective characterizations of rates or fees such as “reasonable,” “moderate,” and “very reasonable,” but shall avoid all unrestrained subjective characterizations of rates or fees, such as, but not limited to, “cut rate,” “lowest,” “giveaway,” “below cost,” “discount,” and “special.”

[3] All disclosures required to be published by these rules shall be in 9-point type or larger. Whenever a disclosure or notice is required by these rules, a lawyer or law firm hosting a site on the World Wide Web shall display the required disclosure or notice on the site’s home page.

[4] Nothing contained in these rules shall prohibit a lawyer from permitting the inclusion in reputable law lists and law directories intended primarily for the use of the legal profession of such information as traditionally has been included in these publications whether published in print or on the Internet or other electronic system.

[5] Any member of the bar desiring to expand the information authorized for disclosure pursuant to this rule or to provide for its dissemination through forums other than as authorized herein, may file an application with the supreme court specifying the requested change. Court approval of the application is required before an attorney may engage in advertising that includes the expanded information or is disseminated through the new forum.

[6] When the court receives a request to expand or constrict the list of “specific legal services” in rule 32:7.2(h)(3), it will consider the following criteria in determining which services should be included in the list:

- (1) the description of the service would not be misunderstood by the average layperson or be misleading or deceptive;
- (2) substantially all of the service normally can be performed in the lawyer's office with the aid of standardized forms and office procedures;
- (3) the service does not normally involve a substantial amount of legal research, drafting of unique documents, investigation, court appearances, or negotiation with other parties or their attorneys; and
- (4) competent performance of the service normally does not depend upon ascertainment and consideration of more than a few varying factual circumstances.

Rule 32:7.3. Direct contact with prospective clients

- (a) A lawyer shall not by in-person, live telephone, or real-time electronic contact solicit professional employment from a prospective client.
- (b) A lawyer may engage in written solicitation by direct mail or e-mail to persons or groups who may need specific legal services because of a condition or occurrence known to the soliciting lawyer. A lawyer must retain a copy of the written solicitation for at least three years. Simultaneously with the mailing of the solicitation, the lawyer must file a copy of it with the Iowa Supreme Court Attorney Disciplinary Board along with a signed affidavit in which the lawyer attests to:
 - (1) the truthfulness of all facts contained in the communication;
 - (2) how the identity and specific legal need of the intended recipients were discovered; and
 - (3) how the identity and specific need of the intended recipients were verified by the soliciting lawyer.
- (c) Information permitted by these rules may be communicated by direct mail or e-mail to the general public other than persons or groups of persons who may be in need of specific or particular legal services because of a condition or occurrence which is known or could with reasonable inquiry be known to the advertising lawyer. A lawyer must simultaneously file a copy of the communication with the Iowa Supreme Court Attorney Disciplinary Board and must retain a copy of the communication for at least three years.
- (d) All communications authorized by paragraphs (b) and (c) shall contain the disclosures required by rule 32:7.2(h) when applicable. These communications shall, in addition to other required disclosures, carry the following disclosure in 9-point or larger type: "ADVERTISEMENT ONLY."

COMMENT

[1] There is a potential for abuse inherent in direct in-person, live telephone, or real-time electronic contact by a lawyer with a prospective client known to need legal services. These forms of contact between a lawyer and a prospective client subject the layperson to the private importuning of the trained advocate in a direct interpersonal encounter. The prospective client, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and overreaching.

[2] This potential for abuse inherent in direct in-person, live telephone, or real-time electronic solicitation of prospective clients justifies its prohibition, particularly since lawyer advertising and written communications permitted under rule 32:7.2 offer alternative means of conveying necessary information to those who may be in need of legal services. Advertising and written communications which may be mailed make it possible for a prospective client to be informed about the need for legal services and about the qualifications of available lawyers and law firms, without subjecting the prospective client to direct in-person, telephone, or real-time electronic persuasion that may overwhelm the client's judgment.

[3] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to prospective client, rather than direct in-person, live telephone, or real-time electronic contact, will help to ensure that the information flows cleanly as well as freely. Because rule 32:7.2(f) requires that the contents of advertisements and communications permitted under rule 32:7.2 be preserved, the contents cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications in violation of rule 32:7.1. The contents of direct in-person, live telephone, or real-time electronic conversations between a lawyer and a prospective client can be disputed and may not be subject to third-party scrutiny. Consequently, such conversations are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[4] There is far less likelihood that a lawyer would engage in abusive practices against an individual who is a current or former client or with whom the lawyer has a close personal or family relationship. Nor is there a serious potential for abuse when the person contacted is a lawyer. Consequently, a lawyer may suggest the need for legal services to such individuals as authorized in rule 32:7.8. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee, or trade organizations whose purposes include providing or recommending legal services to its members or beneficiaries.

[5] But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of rule 32:7.1 is prohibited.

Rule 32:7.4. Communication of fields of practice and specialization

(a) A lawyer may communicate the fact that the lawyer practices in or limits the lawyer's practice to certain fields of law as authorized by this rule. Subject to the exceptions and requirements of this rule, a lawyer may identify or describe the lawyer's practice by reference to the following fields of practice:

Administrative Law

Adoption Law

Agricultural Law

Alternate Dispute Resolution

Antitrust & Trade Regulation

Appellate Practice

Aviation & Aerospace

Banking Law

Bankruptcy

Business Law

Civil Rights & Discrimination

Collections Law

Commercial Law

Communications Law

Constitutional Law

Construction Law

Contracts

Corporate Law

Criminal Law

Debtor and Creditor

Education Law

Elder Law

Election, Campaign & Political

Eminent Domain

Employee Benefits

Employment Law

Energy

Entertainment & Sports

Environmental Law

Family Law

Finance

Franchise Law

Government

Government Contracts

Health Care

Immigration

Indians & Native Populations

Information Technology Law

Insurance

Intellectual Property

International Law

International Trade

Investments

Juvenile Law

Labor Law

Legal Malpractice

Litigation

Media Law

Medical Malpractice

Mergers & Acquisitions

Military Law

Municipal Law

Natural Resources

Nonprofit Law

Occupational Safety & Health

Pension & Profit Sharing Law

Personal Injury

Product Liability

Professional Liability

Public Utility Law

Real Estate

Securities

Social Security Law

Taxation

Tax Returns

Technology and Science

Toxic Torts

Trademarks & Copyright Law

Transportation

Trial Law

Wills, Trusts, Estate Planning & Probate Law

Workers' Compensation

Zoning, Planning & Land Use

Any member of the bar desiring to expand this list may file an application with the supreme court specifying the requested change.

In describing the field of practice the lawyer may use the suffix "law," "lawyer," "matters," "cases," or "litigation."

(b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patents," "Patent Attorney," "Patent Lawyer," or "Registered Patent Attorney."

(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty," or a substantially similar designation.

(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:

(1) the lawyer has been certified as a specialist by an organization that has been approved by the Iowa Supreme Court Attorney Disciplinary Board; and

(2) the name of the certifying organization is clearly identified in the communication.

(e) Prior to publicly describing one's practice as permitted in paragraph (a) and (c), a lawyer shall comply with the following prerequisites:

(1) For all fields of practice designated, a lawyer must have devoted the greater of 100 hours or 10 percent of the lawyer's time spent in the actual practice of law to each indicated field of practice for the preceding calendar year. In addition, the lawyer must have completed at least ten hours of accredited continuing legal education courses of study in each indicated field of practice during the preceding calendar year.

(2) A lawyer who wishes to use the terms "practice limited to ..." or "practicing primarily in ..." must have devoted the greater of 400 hours or 40 percent of the lawyer's time spent in the actual practice of law to each separate indicated field of practice for the preceding calendar year. In addition, the lawyer must have completed at least fifteen hours of accredited continuing legal education courses of study in each separate indicated field of practice during the preceding calendar year.

Prior to communication of a description or indication of limitation of practice, a lawyer shall report the lawyer's compliance with the eligibility requirements of this paragraph each year to the Commission on Continuing Legal Education. *See Iowa Ct.*

R. 41.9.

(f) A lawyer describing the lawyer's practice as "General practice including but not limited to" followed by one or more fields of practice descriptions set forth in this rule need not comply with the eligibility requirements of paragraph (e).

COMMENT

[1] In some instances lawyers limit their practice to, or practice primarily in, certain fields of law. In the absence of controls to ensure the existence of special competence, lawyers should not be permitted to hold themselves out as specialists or as having special training or ability other than in the field of patent or admiralty law where a holding out as a specialist historically has been permitted. However, lawyers who comply with this rule may hold themselves out publicly as practicing in, or limiting their practice to, certain fields of law, but such communications are subject to the false and misleading standard applied in rule 32:7.1 to communications concerning a lawyer's services.

[2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark Office for the designation of lawyers practicing before the Office. Paragraph (c) recognizes that designation of Admiralty practice has a long historical tradition associated with maritime commerce and the federal courts.

[3] Paragraph (d) permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization approved by the Iowa Supreme Court Attorney Disciplinary Board. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Certifying organizations may be expected to apply standards of experience, knowledge, and proficiency to insure that a lawyer's recognition as a specialist is meaningful and reliable. In order to insure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization must be included in any communication regarding the certification.

Rule 32:7.5. Professional notices, letterheads, offices, and signs

(a) A lawyer shall not use a firm name, letterhead, or other professional designation that violates rule 32:7.1. A lawyer or law firm may use the following professional cards, signs, letterheads, or similar professional notices or devices if they are in dignified form:

(1) A professional card of a lawyer identifying the lawyer by name and as a lawyer, and giving addresses, telephone numbers, the name of the lawyer's law firm, and any information permitted under rule 32:7.4. A professional card of a law firm may also give the names of members and associates. Such cards may be used for identification.

(2) A brief professional announcement card stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional office of a lawyer or law firm, which may be mailed to lawyers, clients, former clients, personal friends, and relatives. It shall not state biographical data except to the extent reasonably necessary to identify the lawyer or to explain the change in the lawyer's association, but it may state the immediate past position of the lawyer. It may give the names and dates of predecessor firms in a continuing line of succession. It shall not state the nature of the practice except as permitted under rule 32:7.4. A dignified announcement of a change in location of office, the addition of a new partner, equity holder or associate, or a change in the name of a law firm may be published in one or more newspapers of general circulation over a period of no more than four weeks.

(3) A sign on or near the door of the office and in the building directory identifying the law office. The sign shall not state the nature of the practice, except as permitted under rule 32:7.4.

(4) A letterhead of a lawyer identifying the lawyer by name and as a lawyer and giving the lawyer's addresses, telephone

numbers, the name of the lawyer's law firm, associates, and any information permitted under rule 32:7. 4. A letterhead of a law firm may also give the names of members and associates, and names and dates related to deceased and retired members. A lawyer may be designated "Of Counsel" on a letterhead if the lawyer has a continuing relationship with a lawyer or law firm, other than as a partner or associate. A lawyer or law firm may be designated as "General Counsel" or by similar professional reference on stationery of a client if the lawyer or the firm devotes a substantial amount of professional time in the representation of that client. The letterhead of a law firm may give the names and dates of predecessor firms in a continuing line of succession.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(e) A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm. However, the name of a professional corporation, professional association, professional limited liability company, or registered limited liability partnership may contain "P.C.", "P.A.", "P.L.C.", "L.L.P." or similar symbols indicating the nature of the organization and, if otherwise lawful, a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession.

(f) A lawyer who is engaged both in the practice of law and another profession or business shall not so indicate on the lawyer's letterhead, office sign, or professional card, and shall not be identified as a lawyer in any publication in connection with the lawyer's other profession or business.

COMMENT

[1] A firm may be designated by the names of all or some of its members or by the names of deceased members when there has been a continuing succession in the firm's identity. The use of a trade name or an assumed name could mislead laypersons concerning the identity, responsibility, and status of those practicing under a trade name or an assumed name; therefore, such a practice is not permitted by this rule.

[2] In order to avoid the possibility of misleading persons with whom they deal, lawyers should be scrupulous in the representation of their professional status. With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests that they are practicing law together in a firm.

[3] A lawyer who occupies a judicial, legislative, or public executive or administrative position and who has the right to practice law concurrently may allow the lawyer's name to remain in the name of the firm if actively continuing to practice law as a member of the firm. Otherwise, the lawyer's name should be removed from the firm name, the lawyer should not be identified as a past or present member of the firm, and the lawyer should not be held out as being a practicing lawyer. The name of a partner who withdraws from a firm but continues to practice law should be omitted from the firm name in order to avoid misleading the public.

[4] The term “clinic,” “center,” or any other similar term shall not be used in any communication to the public unless the practice of the lawyer or the lawyer’s firm is limited to specific legal services as described in rule 32:7.2(h)(3) for which costs of rendering the service can be substantially reduced because of the repetitive nature of the services performed and the use of standardized forms and office procedures.

Rule 32:7.6. Political contributions to obtain legal engagements or appointments by judges

A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if the lawyer or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.

COMMENT

[1] Lawyers have a right to participate fully in the political process, which includes making and soliciting political contributions to judges on the ballot for judicial retention and to candidates for other public offices. Nevertheless, when lawyers make or solicit political contributions in order to obtain an engagement for legal work awarded by a government agency or to obtain appointment by a judge, the public may legitimately question whether the lawyers engaged to perform the work are selected on the basis of competence and merit. In such a circumstance, the integrity of the profession is undermined.

[2] The term “political contribution” denotes any gift, subscription, loan, advance, or deposit of anything of value made directly or indirectly to a candidate, incumbent, political party, or campaign committee to influence or provide financial support for retention of a judge or election of a person to government office. Political contributions in initiative and referendum elections are not included. For purposes of this rule, the term “political contribution” does not include uncompensated services.

[3] Subject to the exceptions below, (i) the term “government legal engagement” denotes any engagement to provide legal services that a public official has the direct or indirect power to award; and (ii) the term “appointment by a judge” denotes an appointment to a position such as referee, commissioner, special master, receiver, guardian, or other similar position that is made by a judge. Those terms do not, however, include (a) substantially uncompensated services; (b) engagements or appointments made on the basis of experience, expertise, professional qualifications, and cost following a request for proposal or other process that is free from influence based upon political contributions; and (c) engagements or appointments made on a rotational basis from a list compiled without regard to political contributions.

[4] The term “lawyer or law firm” includes a political action committee or other entity owned or controlled by a lawyer or law firm.

[5] Political contributions are for the purpose of obtaining or being considered for a government legal engagement or appointment by a judge if, but for the desire to be considered for the legal engagement or appointment, the lawyer or law firm would not have made or solicited the contributions. The purpose may be determined by an examination of the circumstances in which the contributions occur. For example, one or more contributions that in the aggregate are substantial in relation to other contributions by lawyers or law firms, made for the benefit of an official in a position to influence award of a government legal engagement, and followed by an award of the legal engagement to the contributing or soliciting lawyer or the lawyer’s firm would support an inference that the purpose of the contributions was to obtain the engagement, absent other factors that weigh against existence of the proscribed purpose. Those factors may include among others that the contribution or solicitation was made to further a political, social, or economic interest or because of an existing personal, family, or professional relationship with a candidate.

[6] If a lawyer makes or solicits a political contribution under circumstances that constitute bribery or another crime, rule 32:8.4(b) is implicated.

Rule 32:7.7. Recommendation of professional employment

(a) A lawyer shall not, except as authorized in rules 32:7.2 and 32:7.3, recommend employment of the lawyer, the lawyer's partner, or an associate of the lawyer, as a private practitioner, to a nonlawyer who has not sought advice regarding employment of a lawyer.

(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may:

- (1) pay the reasonable costs of advertisements or communications permitted by rule 32:7.2;
- (2) pay the usual charges of a lawyer referral service operated or sponsored by the bar association; and
- (3) pay for a law practice in accordance with rule 32:1.17.

(c) A lawyer shall not request that a person or organization recommend or promote the use of the lawyer's services or those of a partner, associate, or any other lawyer affiliated with the lawyer's firm, as a private practitioner, except as authorized in rules 32:7.2 and 32:7.3, and except that:

- (1) A lawyer may request referrals from a lawyer referral service operated or sponsored by the bar association.
- (2) A lawyer may participate in a directory listing by Iowa lawyers in an organization or association of lawyers engaged in a particular area of practice upon authorization by the Iowa Supreme Court Attorney Disciplinary Board. *See* Iowa Ct. R. 34.14(1).
- (3) A lawyer may cooperate with the legal service activities of any of the offices or organizations enumerated in paragraphs (d)(1) through (4) and may perform legal services for those to whom the lawyer was recommended by the office or organization to do such work if both of the following requirements are met:
 - (i) The person to whom the recommendation is made is a member or beneficiary of such office or organization.
 - (ii) The lawyer remains free to exercise independent professional judgment on behalf of the client.
- (d) A lawyer shall not knowingly assist a person or organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partners or associates or any other lawyer affiliated with the lawyer's firm, except as permitted by this rule. However, this rule does not prohibit a lawyer, a partner, an associate, or any other lawyer affiliated with the lawyer or firm, from being recommended, employed or paid by, or cooperating with, one of the following offices or organizations that promote the use of the lawyer's services or those of a partner, associate, or any other lawyer affiliated with the lawyer or the firm:

(1) A legal aid office or public defender office operated or sponsored by a duly accredited law school, a bona fide nonprofit community organization, or a governmental agency, or operated, sponsored, or approved by a bar association.

(2) A military legal assistance office.

(3) A lawyer referral service operated, sponsored, or approved by a bar association.

(4) A legal services plan. A legal services plan is any bona fide organization that recommends, furnishes, or pays for legal services to its members or its beneficiaries provided all of the following conditions are satisfied:

(i) Such organization, including any affiliate, is organized and operated so that no profit is derived by it from the rendition of legal services by lawyers, and that, if the organization is organized for profit, the legal services are not rendered by lawyers employed, directed, supervised, or selected by it except in connection with matters where such organization bears ultimate liability of its member or beneficiary.

(ii) Neither the lawyer, nor any partner, associate, or other lawyer affiliated with the lawyer's firm, nor any nonlawyer, shall have initiated or promoted such organization for the primary purpose of providing financial or other benefit to such lawyer, partner, associate, or affiliated lawyer.

(iii) Such organization is not operated for the purpose of procuring legal work or financial benefit for any lawyer as a private practitioner outside of the legal services program of the organization.

(iv) The member or beneficiary to whom the legal services are furnished, and not such organization, is recognized as the client of the lawyer in the matter.

(v) Any member or beneficiary who is entitled to have legal services furnished or paid for by the organization may, independent of the arrangement, if such member or beneficiary so desires, and at the person's own expense, select counsel other than that furnished, selected, or approved by the organization for the particular matter involved.

(vi) The legal service plan of such organization provides appropriate relief for any member or beneficiary who asserts a claim that the representation by counsel furnished, selected, or approved would be unethical, improper, or inadequate under the circumstances of the matter involved and the plan provides an appropriate procedure for seeking such relief.

(vii) The lawyer does not know or have cause to know that such organization is in violation of applicable laws, rules of court, and other legal requirements that govern its legal service operations.

(viii) The legal services plan is developed, administered, and operated so as to prevent a third party from interfering with or controlling a lawyer's performance of his or her duties or a third party's receipt of any part of the consideration paid to a lawyer for furnishing legal services.

(ix) There is no publicity and solicitation concerning the arrangement except by means of simple, dignified announcements. Such announcements may only set forth the purpose and activities of the organization and the nature and extent of the benefits provided under the arrangement. The announcements shall not identify the lawyers who render the legal services, and such announcement must be solely for the good faith purpose of developing, administering, or operating the arrangement, and not for the purpose of soliciting business for any specific lawyer. Nothing in this rule shall prohibit a statement in response to individual inquiries regarding the identities of the lawyers rendering services for the organization. Such responses may provide the names, addresses, and telephone numbers of such lawyers.

(x) Such organization has filed with the Iowa Supreme Court Attorney Disciplinary Board on or before July 1 of each year the report required by Iowa Ct. R. 34.14(2). A lawyer will not be deemed in violation of this provision if such organization has failed to file the required report so long as the lawyer does not know or have cause to know of such failure.

(e) A lawyer shall not accept employment when the lawyer knows or reasonably should know that the person seeking legal services does so as a result of conduct prohibited under this rule.

COMMENT

[1] Selection of a lawyer by a layperson should be made on an informed basis. Advice and recommendation of third parties--relatives, friends, acquaintances, business associates, or other lawyers--and disclosure of relevant information about the lawyer and the lawyer's practice may be helpful. A layperson is best served if the recommendation is disinterested and informed. In order that the recommendation be disinterested, a lawyer should not seek to influence another to recommend employment. A lawyer should not compensate another person for a recommendation of employment, for influencing a prospective client to employ the lawyer, or to encourage future recommendations.

[2] Lawyers are not permitted to pay others for channeling professional work. Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications permitted by rule 32:7.2, including the costs of print directory listings, on-line directory listings, newspaper advertisements, and television and radio airtime. A lawyer may compensate employees, agents, and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff, and Web site designers. See rule 32:5.3 for the duties of lawyers and law firms with respect to the conduct of nonlawyers who prepare marketing materials for them.

[3] The legal profession has developed lawyer referral systems designed to aid individuals who are able to pay fees but need assistance in locating lawyers competent to handle their particular problems. Use of a lawyer referral system enables a layperson to avoid an uninformed selection of a lawyer because such a system makes possible the employment of competent lawyers who have indicated an interest in the subject matter involved. Lawyers should support the principle of lawyer referral systems and should encourage the evolution of other ethical plans which aid in the selection of qualified counsel.

[4] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to ensure that the activities of the plan or service are compatible with the lawyer's professional obligations. See rule 32:5.3. Legal service plans and lawyer referral services may communicate with prospective clients, but such communication must be in conformity with these rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group legal services plan would mislead prospective clients to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate rule 32:7.3.

Rule 32:7.8. Suggestion of need of legal services

(a) A lawyer who has given unsolicited advice in-person or by telephone to a layperson to obtain counsel or take legal action shall not accept employment resulting from that advice, except that:

(1) A lawyer may accept employment by a close friend, relative, existing client, or former client, provided the lawyer does not know or have reason to know the attorney-client relationship has been terminated.

(2) A lawyer may accept employment that results from personal participation in activities designed to educate laypersons to recognize legal problems, to make intelligent selection of counsel, or to utilize available legal services if such activities are conducted or sponsored by any of the offices or organizations enumerated in rule 32:7.7(d)(1) through (4), to the extent and under the conditions prescribed therein.

(3) A lawyer who is recommended, furnished, or paid by a qualified legal assistance organization enumerated in rule 32:7.7(d)(1) through (4) may represent a member or beneficiary thereof, to the extent and under the conditions prescribed therein.

(b) Without affecting the right to accept employment, a lawyer may speak publicly or write for publication on legal topics so long as such activities do not emphasize the lawyer's own professional experience or reputation and the lawyer does not undertake to give individual advice.

(c) If success in asserting rights or defenses of a client in litigation in the nature of a class action is dependent upon the joinder of others, a lawyer may accept, but shall not seek, employment from those contacted for the purpose of obtaining their joinder.

COMMENT

[1] Whether a lawyer acts properly in volunteering in-person advice to a layperson to seek legal services depends upon the circumstances. The giving of advice that one should take legal action could well be in fulfillment of the duty of the legal profession to assist laypersons in recognizing legal problems. The advice is proper only if the lawyer is motivated by a desire to protect one who does not recognize that one may have legal problems or who is ignorant of one's legal rights or obligations. The advice is improper if the lawyer is motivated by a desire to obtain personal benefit, secure personal publicity, or cause legal action to be taken merely to harass or injure another. Since motivation is subjective and often difficult to judge, the motives of a lawyer who volunteers in-person advice likely to produce legal controversy may well be suspect if the lawyer receives professional employment or other benefits as a result. A lawyer who volunteers in-person advice that one should obtain the services of a lawyer generally should not accept employment, compensation, or other benefit in connection with that matter except as permitted by this rule.

[2] The public's need for legal services is met only if laypersons recognize their legal problems, appreciate the importance of seeking assistance, and are able to obtain the services of acceptable legal counsel. Hence, important functions of the legal profession are to educate laypersons to recognize their problems, to facilitate the process of intelligent selection of lawyers, and to assist in making legal services fully available.

[3] The legal profession should assist laypersons to recognize legal problems because such problems may not be self-revealing and often are not timely noticed. Therefore, lawyers should encourage and participate in educational and public relations programs concerning our legal system with particular reference to legal problems that frequently arise. Preparation of advertisements and professional articles for lay publications and participation in seminars, lectures, and civic programs should be motivated by a desire to educate the public to an awareness of legal needs and to provide information relevant to the selection of the most appropriate counsel rather than to obtain publicity for particular lawyers.

[4] A lawyer who writes or speaks for the purpose of educating members of the public to recognize legal problems should carefully refrain from giving or appearing to give a general solution applicable to all apparently similar individual problems, since slight changes in fact situations may require a material variance in the applicable advice; otherwise, the public may be misled and misadvised. Talks and writings by lawyers for laypersons should caution laypersons not to attempt to solve individual problems upon the basis of the information contained therein.